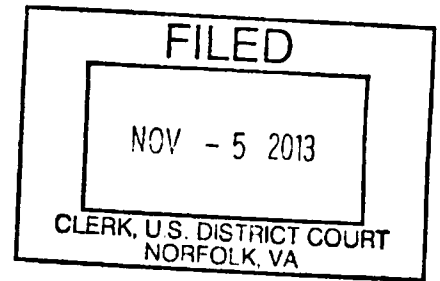


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**



NATHANIEL THOMAS,

Plaintiff,

v.

ACTION NO. 4:12cv179

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

ORDER

This matter comes before the court on the Plaintiff's Motion for Summary Judgment, filed April 4, 2013, and on the Defendant's Motion for Summary Judgment, filed May 6, 2013. The Plaintiff is seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying the Plaintiff's claim for disability insurance benefits under the Social Security Act.

On May 13, 2013, the Motions were referred to United States Magistrate Judge Douglas E. Miller, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), for a report and recommendation for the disposition of the Motions.


The Report and Recommendation was filed on September 11, 2013. The Magistrate Judge recommended vacating

the Commissioner's decision and remanding the case for further administrative proceedings consistent with the Report and Recommendation. By copy of the Report and Recommendation, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Defendant's Objections to the Magistrate Judge's Report and Recommendation were filed on September 24, 2013, and the Plaintiff's Response to the Objections was filed on October 1, 2013.

The court, having examined the Objections and Response to the Objections to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed September 11, 2013. Accordingly, the Defendant's Motion for Summary Judgment is **DENIED**. The Plaintiff's Motion for Summary Judgment is **DENIED** to the extent that it seeks an order directing an award of Social Security Disability benefits, and is **GRANTED** to the extent it seeks remand of this case. The Commissioner's decision is **VACATED** and **REMANDED** for further administrative proceedings consistent with this Order and the Report and Recommendation.

The Clerk shall forward a copy of this Order to counsel for the parties.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
Chief
United States District Judge 
REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

November 5, 2013